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Before the
FEDERAL COMMUNICATIONS COMMISSION
 Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
 OFFICE OF THE SECRETARY

In the Matter of:

Amendment of the Commission's
 Rules to Establish New Personal
 Communications Services

)
) GEN Docket No. 90-314
)
)
)

**REPLY COMMENTS OF TELOCATOR, THE PERSONAL
 COMMUNICATIONS INDUSTRY ASSOCIATION**

Telocator, the Personal Communications Industry Association, herewith submits its reply to oppositions and comments on the Petitions for Reconsideration of the Commission's Second Report and Order on new 2 GHz Personal Communications Services ("PCS").¹ In its Petition for Reconsideration and subsequent comments in this proceeding, Telocator has advocated a number of limited modifications to the Commission's regulatory framework for 2 GHz PCS. As discussed below, Telocator's proposals will permit the more economic and efficient provision of PCS without creating interference problems, as well as the widespread support these proposals have received from a broad range of potential new PCS providers and existing incumbent microwave users. Telocator also briefly discusses its opposition to the Petitions for Reconsideration that seek to create PCS spectrum set-asides for private services or to otherwise constrain the technical flexibility available to new PCS providers.

¹ Amendment of the Commission's Rules to Establish New Personal Communications Services, FCC 93-451 (rel. Oct. 22, 1993) ["Second Report and Order"].

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The industry supports raising the PCS base station power limit to 1,000 Watts ERP and the mobile power limit to 12 Watts ERP for some units. Telocator's request to raise the power limits for PCS base stations, and some mobiles, received nearly universal support. For example, Northern Telecom states that increasing allowed base station power is "an effective means of more economically deploying PCS, without any adverse consequences."² Northern Telecom's conclusion is also borne out by the lack of opposition from the incumbent microwave users in the band.³ Indeed, the Association for American Railroads in fact admits that "[t]he consensus among the petitioners is to increase the maximum PCS base station power limits from 62 watts (ERP) to 1,000 watts (ERP), and from 1.2 watts (ERP) to 12 watts (ERP) for mobile units."⁴ Accordingly, Telocator respectfully requests the Commission to raise the PCS power limits and make conforming changes to the height-power coordination table in Section 99.233.

² Comments of Northern Telecom at 6, GEN Docket No. 90-314 (filed Jan. 3, 1994) ["Northern Telecom"]; *see also* Comments of American Personal Communications at 20-21, GEN Docket No. 90-314 (filed Jan. 3, 1994) ["APC"]; Comments of Bell Atlantic Personal Communications, Inc. at 14, GEN Docket No. 90-314 (filed Jan. 3, 1994); Comments of Citizen's Utility Company at 12-13, GEN Docket No. 90-314 (filed Jan. 3, 1994) ["CUC"]; Comments of General Communication, Inc. at 2-3, GEN Docket No. 90-314 (filed Jan. 3, 1994); Comments of GTE Service Corporation at 11-12, GEN Docket No. 90-314 (filed Jan. 3, 1994) ["GTE"]; Comments of MCI Communications Corporation at 18-19, GEN Docket No. 90-314 (filed Jan. 3, 1994) ["MCI"]; Comments of George E. Murray at 6-7, GEN Docket No. 90-314 (filed Jan. 3, 1994); Northern Telecom at 11-12; Comments of Omnipoint Corporation, Inc. at 4, 13, GEN Docket No. 90-314 (filed Jan. 3, 1994) ["Omnipoint"]; Comments of Pacific Bell & Nevada Bell at ii, 1-3, GEN Docket No. 90-314 (filed Jan. 3, 1994) ["PacBell"].

³ Comments of Alcatel Network Systems, Inc. at 4-5, GEN Docket No. 90-314 (filed Jan. 3, 1994) ["Alcatel"]; Comments of Association of American Railroads at 5-7, GEN Docket No. 90-314 (filed Jan. 3, 1994) ["AAR"]; Comments of Telecommunications Industry Association Fixed Point-to-Point Communication Section Network Equipment Division at 6-7, GEN Docket No. 90-314 (filed Jan. 3, 1994) ["TIA"]; Comments of Utilities Telecommunications Council at 15, GEN Docket No. 90-314 (filed Jan. 3, 1994) ["UTC"].

⁴ AAR at 5-7.

The record demonstrates that PCS licensees should be able to freely subdivide and aggregate spectrum, up to the spectrum cap. In both this proceeding and in other contexts, Telocator and the land mobile community have requested the Commission to clarify that PCS licensees are able to subdivide markets either by frequency or geographically.⁵ These parties have recognized that allowing such subdivisions will, for example, "help to expedite the initiation of PCS service offerings in both rural and metropolitan areas," "allow parties to devote their resources to developing facilities and service offerings in more focused service areas," and "help to achieve the statutory goal of promoting participation by rural telephone companies and other designated entities in PCS."⁶ Accordingly, the Commission should clarify that such subdivisions will be permitted under the PCS rules.

The rule on emissions limits should be expanded to cover both PCS to microwave and adjacent channel PCS interference. Telocator has also argued, unopposed, that the emissions limits that currently protect microwave users from adjacent channel PCS interference should be extended to govern interference between adjacent channel PCS systems. As noted by both Northern Telecom and American Personal Communications, extension of the Section 99.234(a) limits to intra-PCS channels would be in the public

⁵ Comments of Advanced Mobilecomm Technologies, Inc. and Digital Spread Spectrum Technologies, Inc. at 6, GEN Docket No. 90-314 (filed Jan. 3, 1994) ["AMT/DSST"]; AAR at 8-9; Comments of the Association of Independent Designated Entities at 5, GEN Docket No. 90-314 (filed Jan. 3, 1994) ["AIDE"]; Comments of the Cellular Telecommunications Industry Association at 16, GEN Docket No. 90-314 (filed Jan. 3, 1994) ["CTIA"]; CUC at 11-12; GTE at 9-10; Comments of Interdigital Communications Corporation at 5-6, GEN Docket No. 90-314 (filed Jan. 3, 1994); Comments of McCaw Cellular Communications, Inc. at 22-24, GEN Docket No. 90-314 (filed Jan. 3, 1994) ["McCaw"]; MCI at 3-5.

⁶ McCaw at 23.

interest.⁷ Both of these parties have also noted the need to adopt clarifications to the measurement bandwidth for assessing these out-of-band emissions.⁸

Industry consensus revisions to the PCS to microwave interference calculations should be adopted. In Telocator's Petition and subsequent comments, it agreed with the Commission that TSB10-E, and the industry efforts to develop TSB10-F, should form the basis for according protection to incumbent 2 GHz microwave users. However, Telocator also noted that some minor modifications, including mandating use of subsequent TSB10 standards and requiring use of a modified Appendix D methodology until TSB10-F was finalized, were necessary to ensure the optimum balancing of the goals of protecting existing users and encouraging rapid PCS deployment. Because the proposed revisions are supported by a broad range of both incumbent microwave users and those interested in the deploying new PCS systems, these revisions should be adopted by the Commission.⁹

The records shows that the license area divisions should be restated independent of map systems that may carry proprietary complications. Telocator has requested the Commission to dispense with the use of any map systems even arguably protected by the copyright laws. With the exception of Rand McNally & Company, this proposal has been

⁷ APC at 23; Northern Telecom at 9-11.

⁸ *Id.*

⁹ See, e.g., Alcatel at 2-3; Comments of American Petroleum Institute at 3, GEN Docket No. 90-314 (filed Jan. 3, 1994); AAR at 2-4; MCI at 19-20; TIA at 2-6; Comments of Telephone and Data Systems, Inc. at 3, GEN Docket No. 90-314 (filed Jan. 3, 1994) ["TDS"]; UTC at 17.

universally supported by all parties commenting on the issue.¹⁰ Under the circumstances, Telocator encourages the Commission to adopt the changes proposed in Telocator's Petition.

Aspects of the application filing rules need clarification. Telocator's Petition for Reconsideration also suggested a few limited changes to the application filing rules that the industry believes are necessary to ease paperwork burdens on the Commission and licensees. For example, commenters concurred with Telocator's assessment that the ± 5 meter accuracy requirement for horizontal coordinates was technically difficult, exceedingly expensive, and added little information of any use to the Commission, incumbent users, or other PCS providers.¹¹ Telocator's Petition also discussed the benefits and resource savings that would accrue from the use of electronic application filing procedures. Telocator is gratified to see the support--and commitment--of American Personal Communications in the development of electronic procedures that "will greatly reduce the Commission's administrative burdens and facilitate information retrieval by the general public."¹²

The "listening period" in the Listen-Before-Talk protocol should be extended from 10 ms to 20 ms. The final request in Telocator's original Petition for Reconsideration was to extend the "listening period" and associated frame period for unlicensed devices to 20 ms. This suggestion, which was supported by Omnipoint Corporation,¹³ would allow deployment of a greater range of technical solutions in the unlicensed bands without

¹⁰ AIDE at iii, 9-15; GTE at 13-14; MCI at 7; PacBell at ii, 6-8; UTC at 19-20; *but see* Comments of Rand McNally & Company at 8-11, GEN Docket No. 90-314 (filed Jan. 3, 1994).

¹¹ APC at 22; MCI at 22; TDS at 1.

¹² APC at 22-23.

¹³ Omnipoint at 3-4, 11.

perceivably affecting end-user response times. Under the circumstances, Telocator urges the Commission to adopt Telocator's revised language in the Part 15 rules.

The RF exposure regulations for PCS should be modified to be consistent with the text of the PCS Order. Noting that the text of the *Second Report and Order* makes clear that only PCS handsets are deemed automatically to operate in an "uncontrolled" environment for purposes of evaluating RF exposure under the ANSI/IEEE criteria, Telocator requested revisions to the Part 99 rule that extends this determination to *all* PCS transmitters, including base stations and other types of mobiles. As Telocator discussed, the Commission's stated rationale for imposing an "automatic" environmental determination on handsets simply does not apply to other types of PCS transmitters. Accordingly, Telocator and others believe the rule should be revised to read in accordance with the text of the *Second Report and Order*.¹⁴

Proposals for private service spectrum set-asides should not be adopted. Telocator agrees with those filings that oppose creation of set-asides in the allotted 2 GHz bands for any purpose, whether private or not.¹⁵ To the extent that particular spectrum uses are deemed warranted, spectrum can be obtained for that use through competitive bidding or by negotiating with individual licensees. Accordingly, the Commission should not devote any 2 GHz spectrum for solely "private" PCS systems.

The PCS industry is working with public safety officials to ensure E-911 availability. Telocator believes that the Commission should not delay the advent of PCS by

¹⁴ APC at 23.

¹⁵ See, e.g., APC at 19-20; Comments of Apple Computer, Inc. at 8-9, GEN Docket No. 90-314 (filed Jan. 3, 1993).

mandating E-911 standards, since Telocator is currently engaged in discussions with both the Association of Public-Safety Communications Officers and the National Emergency Number Association on these precise issues. Specifically, Telocator and these public safety organizations are discussing the ability to dial 911 without restriction on a PCS terminal, call control or "call back" capability, proper Public Safety Answering Point ("PSAP") routing, hearing impaired and TDD access, as well as caller information. Based on the success of this inter-industry coordination and the potential delaying effects of attempting to set national E-911 standards prior to PCS deployment, Telocator and others opposed the Petition for Reconsideration of the Texas Advisory Commission on Emergency Communications.¹⁶ As discussed in these comments, efforts to create an FCC mandated standard for E-911 services are premature, unwarranted, and may, in fact, be counterproductive.

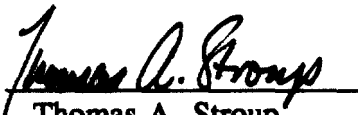
Conclusion. Telocator believes that adoption of the limited changes suggested in its Petition for Reconsideration will lead to more expeditious and economic deployment of a broader variety of low-cost PCS offerings for the public. As shown above, these changes reflect the consensus of both new PCS providers and the incumbent microwave users of the band, unlike the proposals to create set-aside or to burden the launch of PCS systems with

¹⁶ APC at 18-19; MCI at 22.

additional standards development of questionable value. Accordingly, Telocator urges the Commission to adopt Telocator's proposals upon reconsideration of the *Second Report and Order*.

Respectfully submitted,

**TELOCATOR, THE PERSONAL
COMMUNICATIONS INDUSTRY
ASSOCIATION**

By: 

Thomas A. Stroup

Mark J. Golden

**TELOCATOR, THE PERSONAL
COMMUNICATIONS INDUSTRY
ASSOCIATION**

1019 19th Street, N.W.
Washington, D.C. 20036
(202) 467-4770

January 13, 1994

CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of January, 1994, I caused copies of the foregoing "Comments" to be mailed via first-class postage prepaid mail to the following:

Robert B. Kelly
1920 N Street, N.W.; Suite 660
Washington, DC 20036
Counsel for Advanced Mobilecomm
Technologies Inc. and Digital
Spread Spectrum Technologies,
Inc.

Robert J. Miller
Gardere & Wynne, L.L.P.
1601 Elm Street, Suite 3000
Dallas, TX 75201
Counsel for Alcatel Network
Systems, Inc.

David L. Nace
Marci E. Greenstein
Pamela L. Gist
Lukas, McGowan, Nace & Gutierrez
1819 H Street, N.W., 7th Fl.
Washington, DC 20006
Counsel for Alliance of Rural Area
Telephone and Cellular Service
Providers

J. Barclay Jones
American Personal Communications
1025 Connecticut Ave, N.W.
Washington, DC 20036

Wayne V. Black
Christine M. Gill
Keller & Heckman
1001 G Street, N.W., Suite 500W
Washington, DC 20001
Counsel for American Petroleum
Institute

Floyd S. Keene
Ameritech Operating Companies
Room 4H74
2000 West Ameritech Center Drive
Hoffman Estates, IL 60196

James F. Lovette
Apple Computer, Inc.
One Infinite Loop, MS: 301-4J
Cupertino, CA 95014

Thomas J. Keller
Verner, Liipfert, Bernhard, McPherson
& Hand
901 15th Street, N.W.; Suite 700
Washington, DC 20005
Counsel for the Association of
American Railroads

William J. Franklin
1919 Pennsylvania Ave., N.W.; Suite 300
Washington, DC 20006-3404
Counsel for the Association of
Independent Designated Entities

Gary M. Epstein
Nicholas W. Allard
James H. Barker
Latham & Watkins
1001 Pennsylvania Ave, N.W.; Suite 1300
Washington, DC 20004-2505
Counsel for Bell Atlantic Personal
Communications, Inc.

Michael F. Altschul
Cellular Telecommunications Industry
Association
Two Lafayette Centre, Third Floor
1133 21st Street, N.W.
Washington, DC 20036

Ellen S. Deutsch
Jacqueline R. Kinney
Citizens Utility Company
P.O. Box 340
8920 Emerald Park Drive, Suite C
Elk Grove, CA 95759-0340

David C. Jatlow
Young & Jatlow
2300 N Street, N.W., Suite 600
Washington, DC 20037
Counsel for Ericsson Corporation

Kathy L. Shobert
General Communications, Inc.
888 16th Street, N.W.; Suite 600
Washington, DC 20006

Gail L. Polivy
1850 M Street, N.W.; Suite 1200
Washington, DC 20036
Counsel for GTE Service
Corporation

Jack Taylor
Interdigital Communications Corporation
9215 Rancho Drive
Elk Grove, CA 95624

Michael Killen
Killen & Associates
382 Fulton Street
Palo Alto, CA 94301

Scott K. Morris
McCaw Cellular Communications, Inc.
5400 Carillon Point
Kirkland, WA 98033

Larry A. Blosser
Donald J. Elardo
MCI Telecommunications Corporation
1801 Pennsylvania Ave, N.W.
Washington, DC 20006

Michael D. Kennedy
Stuart E. Overby
Motorola Inc.
1350 I Street, N.W., Suite 400
Washington, DC 20005

Carl W. Northrop
Bryan Cave
700 13th Street, N.W.; Suite 700
Washington, DC 20005
Counsel for George Murray

David Cosson
L. Marie Guillory
National Telephone Cooperative
Association
2626 Pennsylvania Ave, N.W.
Washington, DC 20037

Stephen L. Goodman
Halprin, Temple & Goodman
1301 K Street, N.W.
Suite 1020, East Tower
Washington, DC 20005
Counsel for Northern Telecom

Gary K. Jones
Omnipoint Corporation, Inc.
7150 Campus Drive
Colorado Springs, CO 80920

James P. Tuthill
Betsy S. Granger
Theresa L. Cabral
Pacific Bell & Nevada Bell
140 New Montgomery Street, Rm. 1529
San Francisco, CA 94105

Brian D. Kidney
Pamela J. Riley
PacTel Corporation
2999 Oak Rd., M.S. 1050
Walnut Creek, CA 94596

Ronald L. Plesser
Emilio W. Cividanes
Mark J. O'Connor
Piper & Marbury
1200 19th Street, N.W., 7th Fl.
Washington, DC 20036
Counsel for PCS Action

John Hearne
Point Communications Company
100 Wilshire Boulevard, Suite 1000
Santa Monica, CA 90401

Deborah Lipoff
Rand McNally & Company
8255 North Central Park
Skokie, IL 60076

Linda C. Sadler
Rockwell International Corporation
1745 Jefferson Davis Highway
Arlington, VA 22202

Stephen G. Kraskin
Kraskin & Associates
2120 L Street, N.W., Ste. 810
Washington, DC 20037
Counsel for Rural Cellular
Association and U.S. Intelco
Networks, Inc.

Jay C. Keithley
Leon Kestenbaum
Sprint Corporation
1850 M Street, N.W., Suite 1100
Washington, DC 20036

Eric Schimmel
Telecommunications Industry Association
2001 Pennsylvania Ave, NW, Suite 800
Washington, DC 20006-1813

George Y. Wheeler
Peter M. Connolly
Koteen & Naftalin
1150 Connecticut Ave, N.W.; Suite 1100
Washington, DC 20036
Counsel for Telephone and Data
Systems, Inc.

W. Scott McCollough
Office of the Attorney General
P.O. Box 12548
300 W. 15th Street, 7th Fl.
Austin, TX 78711-2548
Counsel for Texas Advisory
Commission on Emergency
Communications

Stuart F. Feldstein
Richard Rubin
Steven N. Teplitz
Fleischman & Walsh
1400 16th Street, N.W.
Washington, DC 20036
Counsel for Time Warner
Telecommunications

Jeffrey L. Sheldon
Sean A. Stokes
Utilities Telecommunication Council
1140 Connecticut Ave, N.W.; Suite 1140
Washington, DC 20036

- 12 -

Jeffrey S. Bork
U S West, Inc.
1020 19th Street, N.W., Suite 700
Washington, DC 20036


Mark J. Golden